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INFO RUEHRG/AMCONSUL RECIFE 9970
RUEHRI/AMCONSUL RIO DE JANEIRO 8233
RUEHSO/AMCONSUL SAO PAULO 4589
RUCNDT/USMISSION USUN NEW YORK 0335
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SENSITIVE
SIPDIS

FOR IO/RHS CARI ENAV AND KELLY RAZZOUK AND NEA/IPA JEFFREY
GIAUQUE

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TAGS: [PREL](#) [PHUM](#) [PTER](#) [KISL](#) [KPAL](#) [IS](#) [BR](#)
SUBJECT: BRAZIL, HRC, AND GOLDSTONE REPORT

REF: SECSTATE 98567

¶1. (U) On September 23, Poloff delivered reftel demarche to Carlos Eduardo da Cunha Oliveira, interim chief, Human Rights Division, Ministry of External Relations (MRE). Cunha Oliveira disputed some of the points in the demarche and agreed with others.

¶2. (U) ONE-SIDED AND BIASED REPORT: Cunha Oliveira pointed out that there had been a consensus in the HRC in support of Justice Goldstone's fact-finding mission. That consensus did not mean, he said, that every country supported the mission, but that the mission was part of a compromise package to facilitate HRC operations at that juncture. He said it would be "detrimental to the experts" and "undermine the HRC" to reject the Goldstone Report outright. Poloff stressed that the U.S. goal was not to condemn the report but to ensure that any HRC resolution on the issue is measured and constructive. Cunha Oliveira agreed that it was possible for the Council, without rejecting the report, to "put a different twist on it."

¶3. (SBU) DIVISIVE DEBATE: Cunha Oliveira said that Brazil was "absolutely committed" to an effective and "non-politicized" HRC. He said the GOB's constant concern has been the "selective and politicized approach" of some countries toward human rights issues. This allowed Israel, he said, to "withdraw legitimacy from the HRC." He said that the GOB was concerned that one side, OIC countries, "has power" and the other, Israel, claims that HRC decisions lack legitimacy, with the result that "nobody wins" and the HRC is weakened. Poloff responded that the USG wanted to work with the GOB to strengthen the HRC through a balanced approach toward human right issues, standing firmly against abuses regardless of the actor.

¶4. (U) KEEP THE ISSUE IN THE HRC: The GOB fully agreed that the HRC is the competent organ to deal with the Goldstone Report, Cunha Oliveira said, and it would "seriously weaken the HRC to refer the matter out" to other organs of the UN or to the ICC. He also agreed that the issue should not be allowed to overshadow other important work of the HRC such as the freedom of expression resolution. (As an aside, Cunha Oliveira said that the U.S. draft resolution on freedom of expression was "on the whole excellent," though for the Brazilians it was important for legal reasons to change "stigmatization of religions" to "stigmatization of persons because of religious affiliation.")
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